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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,325	07/10/2003	Fredrik Stenmark	9342-100	2825
54414 7590 03/17/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
DAO, MINH D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/617,325

**Applicant(s)**

STENMARK, FREDRIK

**Examiner**

MINH D. DAO

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 12/14/07 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Klein et al. (US 2002/0177410).

Regarding claim 1, Klein teaches a method of transferring data from/to an electronic device comprising: transferring data from/to an electronic device when information used to register the electronic device with a wireless communications network is absent from the electronic device (see figs. 1; sections [0003-0017]).

Regarding claim 2, Klein teaches determining that the SIM is absent from the electronic device; and determining if a transfer mode is enabled to allow transferring data while the

SIM is absent from the electronic device (see figs. 1-4; col. 6, lines 47-55). In this case, since both devices T1 and T2 are capable of having a SIM inserted into the device, both device T1 and T2 inherently are capable of determining that the SIM is absent or not from the electronic device. In addition, since both T1 and T2 are Bluetooth devices, both have to be determined being within operating range of each other to be able to exchange data (this is a well known fact in the art of Bluetooth communication). Thus, this teaching of Klein reads on the "determining if a transfer mode is enabled to allow transferring data" of the claim.

Regarding claim 3, the claim is rejected for the same reason set forth in the rejection of claim 2 above.

Regarding claim 4, Klein teaches requesting input to the electronic device; receiving input to the electronic device via an input device associated with the electronic device; and determining if the received input enables transfer mode. (see sections [0004, 0013]

Regarding claim 5, Klein teaches the step of transferring comprises transferring the data using a first communications channel that is separate from a second communications channel used to register the electronic device with the communications network (see fig. 1; sections [0003-0017]).

Regarding claim 6, Klein teaches the first communications channel is carried over at least one of an infrared communications link, a Bluetooth communications link, a USB interface, and an IEEE 802.11 communications link (see fig. 1; sections [0003-0017]).

Regarding claim 7, Klein teaches the electronic device comprises a mobile cellular radiotelephone configured to register in a Global System for Mobile telecommunications compliant communications network (see fig. 1; sections [0003-0017]).

Regarding claim 8, the claim includes the limitation as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 9, Klein teaches a second SIM that stores information used to register the second electronic device with the communications network is absent from the second electronic device while transferring data (see fig. 1; sections [0003-0017]).

Regarding claim 10, Klein teaches transferring the data while a SIM that stores information other than that used to register the electronic device with the communications network is present in the electronic device (see fig. 1; sections [0003-0017]).

Regarding claim 11, Klein inherently teaches that data stored in non-volatile memory of the electronic device (see fig. 1; sections [0003-0017]).

Regarding claim 12, Klein teaches the data comprises at least one of contact information, schedule information, to-do information, e-mail information, web information, image information, audio information, and video information (see fig. 1; sections [0003-0017]).

Regarding claim 13, Klein teaches that the data comprises excess data having a size that exceeds an unused storage capacity of the SIM because there must be cases where the amount of data that the phone of Klein would transfer or exchange with its destination is larger than the unused storage of the SIM card.

Regarding claim 14, Klein teaches that the electronic device comprises a unitary mobile cellular radiotelephone (see fig. 1; sections [0003-0017]).

Regarding claim 15, the claim includes the limitation as that of claim 1, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1. In addition, the terminals T1 and T2 of Klein read on the processor of claim 15.

Regarding claim 16, Klein teaches that the processor circuit is configured to determine whether the SIM is present or absent from the electronic device, the electronic device further comprising: a registration circuit configured to register the electronic device with the communications network responsive to the processor circuit determining that the

SIM is present; and a data transfer circuit configured to transfer data from/to the electronic device responsive to the processor circuit determining that the SIM is absent and a transfer mode is enabled to allow transferring data while the SIM is absent (see fig. 1; sections [0003-0017]; also see reasons for rejections of claims 15 above.).

Regarding claim 17, the claim includes the limitation as that of claims 1, and 3, therefore is interpreted and rejected for the same reason set forth in the rejection of claims 2 and 3.

Regarding claim 18, the claim includes the limitation as that of claim 4, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 4.

Regarding claim 19, the claim includes the limitation as that of claim 5, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claim 20, the claim includes the limitation as that of claim 6, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 6.

Regarding claim 21, the claim includes the limitation as that of claim 7, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 7.

Regarding claim 22, the claim includes the limitation as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 23, the claim includes the limitation as that of claim 9, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 9.

Regarding claim 24, the claim includes the limitation as that of claim 10, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 10.

Regarding claim 25, the claim includes the limitation as that of claim 11, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 11.

Regarding claim 26, the claim includes the limitation as that of claim 12, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 12.

Regarding claim 27, the claim includes the limitation as that of claim 13, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 13.

Regarding claim 28, the claim includes the limitation as that of claim 14, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 14.



Regarding claim 29, the claim includes the limitation as that of claim 15, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 15.

Regarding claim 30, Klein teaches that the user selectable data comprises at least one of audio information transferred to headphones coupled to the electronic device and video or image data transferred to a display of the electronic device that is selected by a user. The basic telephone data transferring functions of Klein reads on this limitation on the present invention.

Regarding claim 31, the claim includes the limitation as that of claim 29, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 29.

Regarding claim 32, Klein teaches a method of transferring data from/to an electronic device comprising: transferring data from/to a first electronic device to/from a second electronic device when a removable Subscriber Identity Module (SIM) that stores information used to register the first electronic device with a wireless communications network is absent from the first electronic device, wherein the first and second electronic devices are associated with a common subscriber to the wireless communications network (see fig. 1; sections [0003-0017]).

Regarding claim 33, the claim includes the limitation as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 34, the claim includes the limitation as that of claim 4, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 4.

Regarding claim 35, the claim includes the limitation as that of claim 5, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claim 36, the claim includes the limitation as that of claim 6, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 6.

Regarding claim 37, the claim includes the limitation as that of claim 7, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 7.

Regarding claim 38, the claim includes the limitation as that of claim 9, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is (571)272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MINH DAO  
/MINH D DAO/  
Examiner, Art Unit 2618